

ORIGINAL OPEN MEETING ITEM



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COMMISSIONERS
JEFF HATCH-MILLER - Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG



ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

DEC 21 2006

DATE: DECEMBER 21, 2006

DOCKET NO: T-03758A-04-0021

TO ALL PARTIES:

DOCKETED BY	NW
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Enclosed please find the recommendation of Administrative Law Judge Marc Stern.
The recommendation has been filed in the form of an Order on:

APP TELEMAGEMENT, L.L.C.
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

JANUARY 2, 2007

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JANUARY 16, 2007 and JANUARY 17, 2007

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250. For information about the Open Meeting, contact the Executive Secretary's Office at (602) 542-3931.

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AZ CORP COMMISSION
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BRIAN C. McNEIL
EXECUTIVE DIRECTOR

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MIKE GLEASON
6 KRISTIN K. MAYES
7 BARRY WONG

8 IN THE MATTER OF THE APPLICATION OF
9 APP TELEMANAGEMENT, L.L.C. FOR THE
10 CANCELLATION OF THE CERTIFICATE OF
11 CONVENIENCE AND NECESSITY TO PROVIDE
12 CUSTOMER-OWNED PAY TELEPHONE
13 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-03758A-04-0021

DECISION NO. _____

14 **ORDER**

15 Open Meeting
16 January 16 and 17, 2007
17 Phoenix, Arizona

18 **BY THE COMMISSION:**

19 Having considered the entire record herein and being fully advised in the premises, the
20 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

21 **FINDINGS OF FACT**

22 1. APP Telemanagement, L.L.C. ("Applicant") has a Certificate of Convenience and
23 Necessity ("Certificate") to provide customer-owned pay telephone ("COPT") service in the State of
24 Arizona pursuant to Decision No. 62019 (November 2, 1999).

25 2. On January 4, 2004, Applicant filed with the Commission an application for the
26 cancellation of the Certificate, indicating that it no longer provides COPT service in the State of
27 Arizona.

28 3. On December 1, 2006, the Commission's Utilities Division Staff ("Staff") filed a Staff
Report, recommending approval of the application to cancel Applicant's Certificate without a
hearing.

CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the
Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's Certificate is in the public interest.

4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT Certificates without a hearing.

5. Staff's recommendation in Findings of Fact No. 3 is reasonable and should be adopted.

ORDER

IT IS THEREFORE ORDERED that the application of APP Telemanagement, L.L.C. for the cancellation of the Certificate of Convenience and Necessity to provide customer-owned pay telephone service shall be, and is hereby, approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. MCNEIL, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2007.

BRIAN C. MCNEIL
EXECUTIVE DIRECTOR

DISSENT _____

DISSENT _____
MES:dap

SERVICE LIST FOR:

APP TELEMAGEMENT, L.L.C.

DOCKET NO.:

T-03758A-04-0021

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